

UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

CREATIVE CO-OP, INC.,

No. MC 12-80006 CW (LB)

Plaintiff,

**ORDER RE 1/25/2012 JOINT  
DISCOVERY LETTER**

v.

[ECF No. 9]

THE ELIZABETH LUCAS COMPANY,  
LLC, *et al.*,

Defendants.

The district court has referred all discovery in the above-captioned matter to United States Magistrate Judge Laurel Beeler. Referral Order, ECF No. 3 at 1. On January 25, 2012, the parties submitted a joint discovery letter in which they discussed whether the subpoena issued to Stuart J. West and/or any associate of his firm, West & Associates, P.C. issued on December 23, 2011 by Defendants The Elizabeth Lucas Company, LLC, *et al.*, should be quashed or stayed. 1/25/2012 Joint Discovery Letter, ECF No. 9 at 1. On January 26, 2012, the court conducted a telephonic hearing on the matter.

Plaintiff Creative Co-Op, Inc. argues that, at minimum, the subpoena should be stayed until the district court overseeing the merits case in Idaho rules on a pending motion for a protective order that would resolve this issue. *Id.* at 2. Defendants claim that subpoenaed letter is directly related to its response and defense to the motion for a protective order pending in the District of Idaho. *Id.* at 5. Defendants further assert that the motion has not yet been fully briefed. *Id.*

1 The court **GRANTS** Plaintiff's request to stay the subpoena until the district court resolves the  
2 pending motion for a protective order. First, Plaintiff's motion to quash raises the same issues  
3 already being considered by the District of Idaho court, which is better positioned to determine the  
4 arguments given its familiarity with the merits of the case. Second, the court's review of the docket  
5 sheet for the underlying case reveals that the motion, Defendants' opposition, and Plaintiff's reply  
6 have been filed. *See* D.Idaho, C. 1:11-cv-00116-REB, ECF Nos. 62, 63, and 65. Thus, this court  
7 cannot discern how the letter could play a role in the briefing of the issue. Third, it is otherwise  
8 unclear how a stay would prejudice Defendants. Defendants appear to have a reasonable  
9 understanding of the existence and contents of the letter based on their correspondence with Mr.  
10 West. 1/25/2012 Joint Discovery Letter, ECF No. 9 at 5. Also, fact discovery does not close until  
11 April 30, 2012, which should provide ample time for the District of Idaho court to rule on the motion  
12 and, if necessary, for the production of the single letter at issue. D.Idaho, C. 1:11-cv-00116-REB,  
13 ECF No. 47 at 1.

14 The court further **ORDERS** the parties to file a brief status update within a week of the  
15 resolution of the pending motion for a protective order by the District of Idaho court or by April 2,  
16 2012, whichever is earlier. The status update shall state whether any controversies remain for  
17 consideration by this court.

18 This disposes of ECF No. 9.

19 **IT IS SO ORDERED.**

20 Dated: January 26, 2012

  
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LAUREL BEELER  
United States Magistrate Judge